

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:11-cv-00284-MR-DLH

ANITA K. WAUGH, )  
Plaintiff, )  
vs. )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
Defendant. )

ORDER

**THIS MATTER** is before the Court on the Plaintiff's Motion for Judgment on the Pleadings [Doc. 12]; the Defendant's Motion for Summary Judgment [Doc. 14]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On November 27, 2012, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 16] in this case containing proposed conclusions of law in support of a recommendation regarding the motions [Docs. 12 and 14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation [Doc. 16], the Court finds that the proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Court grant the Plaintiff's Motion for Judgment on the Pleadings and remand this action for further proceedings. Upon remand, the ALJ must consider all of the relevant medical evidence and indicate explicitly the weight accorded to the medical reports and medical evidence in the record.

**IT IS, THEREFORE, ORDERED** that the Magistrate Judge's Memorandum and Recommendation [Doc. 16] is **ACCEPTED**, and the Plaintiff's Motion for Judgment on the Pleadings [Doc. 12] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Defendant's Motion for Summary Judgment [Doc. 14] is **DENIED**.

**IT IS FURTHER ORDERED** that, pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the decision of the Commissioner under Sentence Four of 42 U.S.C. § 405(g), the decision of the Commissioner is **REVERSED**, and this case is hereby **REMANDED** to the Commissioner for further administrative action consistent with this Order.

A judgment shall be entered simultaneously herewith.

**IT IS SO ORDERED.**

Signed: December 28, 2012



Martin Reidinger  
United States District Judge

